

S.B. CIVIL WRIT PETITION NO. 1748/93.
(RAMESH KUMAR VERMA VS. RAJ.CO-OP.DAIRY FED.LTD.& ORS.)

DATE OF ORDER : 04.07.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. S.N. Trivedi for the petitioner.
Mr. K.K. Bhati for Mr. D.K. Parihar for the respondent/s.

The petitioner entered in the service of Uttari Rajasthan Sahkari Dugdh Utpadak Sangh Limited, Bikaner being appointed as daily rated workman on 22.9.75. The appointment was given to the petitioner as Lower Division Clerk in the pay scale of Rs. 110-230 by an order dated 03.5.77 passed by the General Manager of the Dairy. Suffice it to mention here that the petitioner after the appointment as Lower Division Clerk worked in the Stores of the Dairy. By an another order dated 07.10.80, the petitioner was designated as Time Keeper. By the order dated 31.12.81, the promotion was given to the petitioner as Store Keeper in the Grade of Rs.385-650 with one additional increment. The promotion of the petitioner was for a period of one year with the specific stipulation that he will be reverted to the post of Clerk if his service as store-keeper is not found satisfactory. The service of the

petitioner as Store Keeper was extended till further orders by an order dated 23.2.83 and that was also confirmed under the orders passed by the Managing Director of the Dairy. By an order dated 21.8.90, the Director (Administration), Rajasthan Co-operative Dairy Federation Ltd. appointed six persons by way of promotion as Junior Accountant.

The grievance of the petitioner is that under the Rajasthan Co-operative Dairy Federation Employees (Subordinate) Recruitment and Promotion Regulations, 1980 a Store Keeper having 5 years of experience is entitled to be considered for promotion to the post of Junior Accountant/Store/Purchase Supervisor, but the respondents Co-operative Dairy Federation Ltd. did not determine the vacancies pertaining to the post of Store/Purchase Supervisor, consequently, the petitioner is deprived of his right to be considered for promotion as Store Keeper.

No reply to the writ petition is filed on behalf of the respondents.

From perusal of the Appendix -II to Annexure 7, it reveals that a Store Keeper having 5 years experience is entitled to be considered for the purpose of promotion as Junior Accountant/Store/Purchase Supervisor in the pay scale of Rs.625-1120. The petitioner is apparently having 5 years experience on the post of Store Keeper. The respondents are required to fill 50% of the total vacancies pertaining to the post of Store/Purchase Supervisor by way of promotion and for this purpose they are required to determine vacancies every year.

The respondents in the instant matter have not determined the vacancies pertaining to the post of Store/Purchase Supervisor as a consequence thereto, the right of the petitioner to be considered for promotion has been effected adversely. The petitioner is certainly entitled to be considered for promotion to the post of Store/Purchase Supervisor in accordance with the Regulations of 1980.

In view of whatever discussed above, the writ petition deserves acceptance and, therefore, the same is allowed. The respondents are directed to determine the

vacancies pertaining to the post of Store/Purchase Supervisor which are to be filled in by way of promotion, within a period of six months from today and are further directed to fill in the vacancies so determined in accordance with Rules. The candidature of the petitioner shall also be considered in accordance with law. No order to costs.

(GOVIND MATHUR)J.

Anil/